Universities UK/Guild HE

Code of Practice for the Management of Student Housing

(1st May 2019)

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Introduction, Purpose and Scope

Introduction

i) This Universities UK[1]/GuildHE[2] Code of Practice for the Management of Student Housing[3] (The Code) has been developed in cooperation with representatives from a range of organisations[4] primarily to assist managers, and anyone involved in the management of student accommodation by setting out the main elements of good management practice. It covers among other matters, health and safety, maintenance and repair, and relationships between managers and student tenants. It is also designed to assist students in understanding both the standards and procedures applying to their accommodation and their obligations as tenants or licensees.

ii) The Code has been designed giving due regard to the particular characteristics of student housing, and to management practice, in the higher education sector. Where appropriate it may serve also as the Code for further education establishments (FEEs). In considering signing up to this Code, FEEs, like higher education establishments (HEEs), will need to ensure that their management practice (for example with respect to complaints procedures) is compatible with the Code. All the provisions of this Code will apply to FE accommodation except insofar as other legislation, notably with regard to students aged under 18, specifically applies.

iii) Administration arrangements for the Code are set out in Section 8. These are intended to serve the overall purposes of the Code – helping to maintain and enhance standards and to set out clearly what students may expect of their accommodation and its management. The administration arrangements also provide mechanisms for identifying, and helping remedy, any shortcomings in management of student accommodation. Where audit and/or complaints indicate a persistent management failure, an HEE (or FEE) may be deemed to be no longer compliant with the Code.

Purpose

iv) Arrangements for the management of student accommodation vary considerably between HEEs and a range of professional HE bodies are involved in providing information and advice on one or other aspect of housing provision and management. The Code, therefore, is intended to meet a recognised need in the HE and FE sectors for a "source document" covering a broad range of issues pertaining to HE and FE residential accommodation.

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[1] Universities UK is the major representative body and membership organisation for the higher education sector. Members are the vice-chancellors/principals of UK universities.

[2] GuildHE is a recognised representative organisation within the higher education sector.

[3] This Code, first published in 2006 replaced the Universities UK/Standing Conferences of Principals Code of Practice for Management of Student Housing.

[4] Including the Association of University Directors of Estates (AUDE), the Association for Student Residential Accommodation (ASRA), the College and University Business Officers (CUBO), the University Safety and Health Association (USHA), the Association of University Heads of Administration (AUHA), the Association of University Chief Security Officers (AUCSO), Council of Higher Education Internal Auditors (CHIEA) and Association of Managers of Student Services in Higher Education (AMOSSHE). The National Union of Students (NUS), The Department for Communities and Local Government (DCLG) and the Accreditation Network UK (ANUK) were also consulted during its preparation.

v) It is intended to serve also as one of the approved codes of practice for HE and FE "managed and controlled" accommodation under the Housing Act 2004 which, among other provisions, introduces a system of licensing for houses in multiple occupation (HMOs). The national authority (the Secretary of State in England or the Welsh Ministers, in Wales) may "except" from the definition of an HMO, for the purposes of licensing, accommodation managed or controlled by higher or further education establishments[5] where the accommodation is used solely or principally by persons for the purpose of undertaking a full-time course of further or higher education. They may be exempted on the basis that each establishment and its buildings so excepted would be managed in conformity with an approved code of practice.

vi) The Act further provides[6] that the national authority may approve one or more codes of practice laying down standards of conduct and practice to be followed with regard to the management of HMOs or of accommodation excepted from the definition of an HMO.

vii) Formal accreditation to a code is a matter for those managing a code and is a voluntary undertaking for those managers of accommodation who so commit to the code. As is the case for codes of practice approved under other legislation, approval of a code under Section 233 of the Housing Act 2004 does not have the effect of making a breach of that code an offence nor does breach create a civil liability. However, the code may be used as evidence of good practice by a court or tribunal.

viii) Regulations to be made under the Act are to except student accommodation which is "managed and controlled" in conformity with an approved code. In this context managed and controlled by a higher or further education establishment is taken to mean that the establishment carries the main responsibility for repair and maintenance and for the day to day landlord and tenant relationship. Annex A explains the method by which a determination should be made of which buildings are managed and controlled for the purpose of this Code.

ix) There is much variety in student housing in HE and FE estates. It ranges from historic buildings to newly constructed buildings and, for example, from accommodation built and equipped specifically for catered accommodation to that provided to meet demand for more independent living. This has practical implications for the specification of best management practice. It requires a generic approach rather than an overly detailed specification and, of necessity, a local as well as a national dimension. This Code, therefore, indicates ***the main principles which should be observed and the essential requirements which must be met*** in order to meet the criteria for formal accreditation (see Section 8 of this Code).

x) This Code was first amended in October 2010 and was subsequently amended again in May 2017. In making amendments regard will be given to changes in regulatory requirements, and to developing requirements and standards within the HE and FE sectors. The latest review comprised of a review group made up of Sector Advisory Group and Governance Board members[7] with group members responsible for peer reviewing changes.

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[5] Under section 254(5) and Schedule 14, paragraph 4.

[6] Section 233.

[7] Members include officers from the Association of Managers of Student Services in Higher Education (AMOSSHE), the Association of University Directors of Estates (AUDE), the Association for Student Residential Accommodation (ASRA), Council of Higher Education Internal Auditors (CHIEA), College and University Business Officers (CUBO), National Union of Students (NUS) and Universities UK (UUK). The

Scope

xi) Higher (and further) education establishments (H/FEEs) have distinctive management arrangements including independent governing bodies. They are subject to both internal and external independent audit. The relationship between university or college authorities and students as tenants, or licensees, therefore differs in some important respects from the landlord/tenant relationship in the privately rented sector. Moreover, a range of statutory requirements applies to HE and FE provided student housing, some general but some specific. The scope of this Code therefore reflects the particular circumstances of HEEs and FEEs. It has been developed from established procedures and good practice in the HE sector. It takes account also of other codes designed to have a wider application.

xii) This Code applies in England and Wales and only to student accommodation managed and controlled by HEEs, or by FEEs.

xiii) The Code has been prepared having regard to the requirements for licensed houses in multiple occupation under the Housing Act 2004. Codes provide greater detail and advice on best practice. However, as the relevant consultation paper produced by the former Office of the Deputy Prime Minister states, codes are not intended to set new or higher physical standards than those in that legislation "other than for aspirational purposes".[8]

xiv) This Code has both "mandatory" and aspirational elements. The basic requirements are those that would need to be met were the relevant properties to be subject to licensing under the Act. They are concerned with fire safety, maintenance of gas and electricity installations, water supply and drainage, toilets, sinks, washbasins, installations for storing food, disposal of refuse and litter, maintenance of common areas (e.g. yards, gardens), windows and ventilation, repair of internal structure and post boxes. Additional basic requirements are that tenants are to be advised on action to be taken in case of emergencies and that managers **must** be allowed reasonable access to the premises. If any HEE/FEE has difficulty in obtaining access to any of the support codes of standards within this document please contact the UUK CoP National Administrator who will liaise with the appropriate professional body to provide guidance and support.

xv) A number of other matters that pertain to the quality of student accommodation and its management are also included. As with the basic requirements, the intention is to indicate best management practice for student housing in the sector.

xvi) Some HE and FE accommodation will not fall within the definition of an HMO. Other accommodation may constitute a house in multiple occupation and not be compliant with the Code and not subject to licensing. Some, for one reason or another, may require to be licensed (see Section 8 and Annex B). It is possible that some may be subject to proposals for additional licensing.

xvii) It should be noted, that while HE or FE accommodation that is managed in compliance with the Code may be exempt from licensing under the Housing Act, such

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Department for Communities and Local Government (DCLG) and the Accreditation Network UK (ANUK) were also consulted during its preparation.

[8] See ODPM Consultation paper (November 2004): *Licensing in the Private Rented Sector p.47.*

accommodation is not exempt from the provisions on housing standards in Part 1 of the Act. The approach to assessing housing conditions (the Housing, Health and Safety Rating System, HHSRS) applies to all housing – including local authority housing[9]. There should be no category 1 hazards in an establishment registered under this Code.

xviii) Annex B gives a brief outline of the principal provisions of the Housing Act 2004 relevant to student accommodation managed and controlled by HEEs and FEEs.

xix) It is the intention that, in principle, this Code should apply to all student housing managed and controlled by a higher or further education establishment. However, some of the provisions of the Code will not be applicable to certain small off-street individual properties leased by H/FEEs from private providers and these should be excluded from the list of buildings in the Schedule. (See Annex A to this Code for the full definition). There will be some variation, moreover, in the extent to which the Code applies. For example, weekly fire alarm tests would not be appropriate in the case of small buildings. And in certain circumstances the requirements of other legislation, e.g. on listed buildings, may not permit full compliance. The buildings listed in the Schedule should be those solely or principally occupied by students undertaking a full-time course of further or higher education and which are managed and controlled by the education establishment providing the course.

Head leased properties, defined as small off-street properties converted to accommodate 10 or less tenants and leased for not more than 3 years by an educational establishment from a private landlord, shall not be considered as being managed and controlled by the HEE and therefore will not be exempted from licensing.

[9] See the Housing Health and Safety Rating System (England) Regulations 2005 S.I.2005 No.320

Code of Practice

1. General

1.1 This Code assumes an establishment's compliance with all statutory requirements as contained within housing, building, planning, disability discrimination, equal opportunities, data protection and other relevant legislation, as well as adoption of good practice principles such as the 'Support and Guidance for Equality and Diversity' published by the Equality Challenge Unit (ECU). As noted in paragraph ii) in the introduction to this Code, the provisions of this Code will apply to FE accommodation except insofar as other legislation, notably with regard to students aged under 18, applies. Some references are made in the text to specific requirements where this may be helpful to accommodation managers. The word "**must**" is generally used throughout this Code to indicate a statutory requirement, as opposed to a desirable or notable practice, where alternative words are used.

1.2 The Code should be read in conjunction with the establishment's regulations, rules, codes and other local documentation relevant to the subject matter of this Code. H/FEEs should ensure that their documentation provides evidence of compliance with the Code.

1.3 H/FEEs should ensure that student representatives are fully involved in review, complaints and other procedures integral to the administration of this Code.

1.4 All H/FEEs **must** make arrangements to publicise[10] the existence of the Code to potential students in addition to advising students of the Code during the induction process to residential accommodation.

1.5 All properties **must** be constructed, altered or refurbished, and maintained, in accordance with the appropriate building, planning and housing legislation. The relevant approval notices and certificates should be available for inspection by prior arrangement.

1.6 H/FEEs should ensure that staff are appropriately trained to deliver the standards required by the Code including equality and diversity.

[10] See http://www.thesac.org.uk/ for details of the student facing website for the Code.

2. Health and safety standards and procedures

2.1 Student residences and their contents as supplied by an establishment **must** meet the requirements of all relevant health and safety regulations and codes of practice. Certain special circumstances (e.g. legislation relating to listed buildings) may justify a partial relaxation of these requirements. H/FEE's **must** be able to demonstrate appropriate risk assessments and management actions for such areas where any of the requirements of the Code are not adhered to in full.

2.2 H/FEEs **must** make an analysis of the risk of such events as fire, outbreak of disease or major breakdown of services and equipment and develop procedures for dealing with them. The analysis and the procedures **must** be documented (e.g. in risk registers) and should be readily available for inspection.

2.3 Students **must** be given clear advice and information on what action is to be taken in the event of an emergency e.g. how to access first aid provision, relevant contact details and mechanisms for reporting incidents and raising health and safety issues.

2.4 It **must** be a requirement in every tenancy or license agreement for the student to maintain a reasonably safe environment for the H/FEE's employees who may have to enter the premises e.g. ensuring that cables to personal electrical equipment are safe.

2A. Fire safety

Fire Risk Assessment

2.5 All H/FEE's should have a formal policy that ensures that a suitable and sufficient Fire Risk Assessment (FRA) is conducted by a competent person for all residential accommodation covered by the Code. The FRA and significant outcomes **must** be recorded in a formal report. Copies of the FRA should be made available to external agencies upon request.

A suitable management system **must** be in place to ensure that the policy is subject to a regular formal review in order for the FRA to remain current and relevant. More frequent reviews should be initiated and recorded in response to any change of use, refurbishment, remodeling or other alteration that will materially affect the fire safety management systems and procedures.

All physical works and other management actions identified within the most recent FRA **must** be completed or have demonstrable mitigating actions in place, in accordance with the allocated priority and proposed timescales.

Fire Prevention

2.6 Information and advice **must** be provided to students at the beginning of their period of occupation on such matters as:

2.6.1 Their role in the avoidance of fire risks

2.6.2 Cooking and the safe use of cooking equipment

2.6.3 Electrical safety – particularly voltage differences

2.6.4 The dangers of using candles or storing flammable material

2.6.5 Disciplinary action that may be taken if fire alarms or firefighting equipment is misused

Fire Detection and Alarm

2.7 All equipment relating to fire detection and alarm **must** be designed, installed and maintained in accordance with the relevant British Standard and the FRA.

2.7.1 Fire alarm systems **must** be tested regularly at pre-arranged times (but see paragraph xix of this Code).

2.7.2 Records relating to maintenance, servicing and testing **must** be retained and made available for inspection upon request.

Evacuation Routes (Means of Escape)

2.8 In order to ensure safe and effective evacuation from residential accommodation in the event of a fire or other emergency, the designated Evacuation Route **must** be maintained in a safe and accessible condition at all times – including corridors, landings, stairs (inc. stairwells) and hallways.

The maintenance and servicing of specific equipment and building infrastructure within the Evacuation Routes **must** be carried out in accordance with relevant British Standards and the FRA, including:

2.8.1 Emergency lighting systems

2.8.2 Fire safety notices and evacuation signs

2.8.3 Fire doors (including door closers, push bars, vision panels and ironmongery)

2.8.4 Automatic door release mechanisms

2.8.5 Fire extinguishers and fire blankets

Fire Evacuation Drills

2.9 Fire evacuation practices **must** be conducted at least once at the beginning of each academic year in accordance with arrangements for particular buildings, fire detection systems and the local fire authority. A record **must** be maintained.

Special Circumstances

2.10 Once a student with a disability (including those with a temporary disability) is identified, the H/FEE **must** undertake an assessment in consultation with the student and put in place any specific arrangements (e.g. personal emergency evacuation plans PEEP) in case of fire or other emergency.

2B. Electricity and gas supplies

2.11 Except in the case of emergencies or essential maintenance, electricity and gas supplies and lighting **must** be maintained without interruption. Gas and electrical installations **must** be properly maintained and tested in accordance with statutory gas and electrical safety requirements and British Standards.

2.12 Where students need to operate controls for gas and electrical appliances, simple and precise instructions for their safe and efficient use **must** be available.

Gas Installations

2.13 All gas supplies, distribution pipe work and gas fired appliances **must** comply with the relevant gas safety regulations.

2.14 All gas appliances **must** have an annual gas safety check undertaken by a Gas Safe registered gas installer. A copy of the safety certificate **must** be available in accordance with the regulations.

Electrical Installations

2.15 All new electrical installations including fixed equipment **must** be installed and all existing installations maintained in accordance with the most recent version of the Institute of Electrical Engineers (IEE) Regulations.

2.16 All building electrical installations **must** be inspected and tested in accordance with statutory requirements, and the results recorded in an appropriate register.

Lighting

2.17 Lighting **must** be provided in accordance with the Chartered Institution of Building Services Engineers (CIBSE) recommendations. In study bedrooms the recommended level of illumination may be achieved by the use of local task lighting.

Portable Appliance Testing (PAT)

2.18 All portable appliances supplied by an H/FEE, or used in the premises by H/FEE staff, **must** be inspected and maintained in accordance with an establishment's PAT policy. Where arrangements exist for the testing of students' personal electrical equipment these should be set down in the PAT policy. The H/FEE **must** make students aware of the PAT policy, and any procedure for having students' personal electrical equipment tested.

2.19 There **must** be a procedure for dealing with any potentially dangerous personal electrical equipment. This might include labelling as unsafe, an instruction to remove, or in extreme cases (subject to the terms of the licence or tenancy), for example if there is a risk of fire or electrocution, removal to safe keeping or disabling. The students **must** be made aware of the procedure and the action implemented.

Water Supplies

2.20 All premises **must** be provided with hot and cold water to appropriately marked taps. Any cold-water supply that is not drinking water **must** be clearly identified.

Waste water

2.21 All waste water **must** be removed via an appropriate trapped connection to the sewerage system.

Water Hygiene

2.22 Hot and cold-water services **must** be installed, monitored and maintained in accordance with The Health &Safety Executive and statutory public health requirements including Legionella testing.

2C. Security

Building and room security

2.23 H/FEE managed accommodation **must** be securable against intrusion. All registered buildings **must** be subject to local security risk assessments, with particular attention being paid to access control, surveillance of site perimeter and securing ground and basement windows.

2.24 All main entrances and individual bedroom doors **must** be lockable, the main entrance door being accessible by all student tenants of the building and bedroom doors accessible only by the student occupant.

2.25 All basement, ground and first floor windows **must** be securable by the student in order to deter theft and intrusion in student bedrooms.

Staff

2.26 All members of staff (including contractors) **must** be badged whilst on the premises. There **must** be a record kept of staff accessing bedrooms in the absence of the student.

2.27 Staff **must** be subject to vetting / checks in accordance to the institution's policy formulated under the relevant legislation. Such policy to include reference to contractors.

2.28 The procedures regarding the issuing of keys/access cards (including the replacement of lost keys) **must** be clear and transparent and arrangements for access in the event of lost keys etc. **must** be set out in the students' welcome pack or equivalent (see 5.8).

Emergency contacts / procedures

2.29 Establishments **must** advise students of the procedure to follow in the event of an emergency e.g. bomb alert, summoning an ambulance, reporting a crime or suspicious behaviour.

CCTV

2.30 Wherever student residences are monitored by CCTV this **must** be advised in the foyer or on the external entrance to the building, through the use of Statutory CCTV warning signs. Installation and operation **must** be in accordance with the relevant legislation.

2D. Kitchen facilities, food storage, washing facilities, furnishing, and other matters

Kitchen facilities and cooking equipment

2.31 Where provided, all kitchen facilities **must** be maintained in good order and repair with all equipment supplied in good working order. Within self-catering properties, facilities for the preparation, cooking and storage of food **must** be appropriate to the number of students using the facilities in accordance with local authority published standards.

Users' instructions **must** be available.

Food storage

2.32 Cold storage provision **must** be made available within self-catering properties.

Bathroom, toilet and shower areas

2.33 These areas **must** be provided with adequate ventilation and slip-resistant flooring. All sanitary ware **must** be in good working order and free from cracks and breaks. All toilets **must** be provided with fitted toilet seat. Shower curtains or screens **must** be provided as appropriate.

Furnishing Quality

2.34 Décor and furnishings should be provided and maintained in reasonable condition. All furnishings provided **must** conform to the relevant regulations.

2.35 All bedrooms **must** be fitted as a minimum with bed, mattress, worktop or study desk and chair, curtains/blind, drawers/shelving, wardrobe and recycling and/or waste receptacle.

Post and Mail

2.36 The H/FEE **must** put in place suitable arrangements for the receipt and distribution of student mail. The arrangements should be set out in the students' welcome pack or similar induction material. Distribution and collection details should be made available. Students should be advised of any arrangements for forwarding or redirecting mail after the end of the tenancy/license period.

3. Repair and Maintenance management

Approved contractors

3.1 Repairs and maintenance **must** be carried out by appropriately qualified and badged H/FEE employed staff or approved contractors.

Fault / Defect notification and rectification

3.2 The H/FEE **must** provide students with information on how to report a defect or fault, including out of office hours procedure and expected response times from the service provider.

3.3 The information should set down response times in the published categories – the usual terminology will be: emergency, urgent and non-urgent. If response times are different for different locations this should be made clear. Students should be kept informed of progress in rectifying any reported defect and in particular any delay in meeting defined response times e.g. if an initial visit is diagnostic or if batching of works occurs.

3.4 Where repairs or maintenance work is necessary due to damage caused by residents or their guests, the residents should be notified of the total costs and charges for the repair as soon as practicably possible.

Planned and Reactive Maintenance

3.5 When undertaking planned works, consideration should be given to the potential impact on residents and inconvenience / disturbance should be kept to a minimum at all times. Planned works should normally avoid sensitive periods, such as exams, and a minimum period of 7 days' notice given to residents. For any urgent works, a minimum of 24 hours' notice should be given unless the circumstances require an immediate response.

Grounds maintenance

3.6 All planting and fences around residences should be well maintained and designed to minimise opportunities for concealment of intruders. Principal pathways and car parks should be hard paved (or have another suitable surface) and **must** be illuminated appropriately for the environment.

3.7 Grounds should be cleared of rubbish and litter on a regular basis and kept tidy. Students should be encouraged to avoid causing, or adding to, litter. Consideration should be given to the provision of waste / recycling and cigarette disposal facilities.

3.8 Policies on snow and ice clearance should be made available for residents in appropriate locations and should specify expected clearance times, including any different timings for different locations. Where residences are adjacent to the public highway, they should display advice regarding the Local Authority's responsibilities.

4. Environmental Quality

4.1 Heating in all residential areas should meet the minimum requirements defined in the relevant H/FEE Policy. Adequate lighting, hot water and ventilation **must** be provided, as appropriate for all residential areas including; each bedroom, social space, kitchen, circulation space (e.g. corridors, stair cases, entrance lobbies) and shower/bath room.

Energy Efficiency

4.2 H/FEE's **must** be able to demonstrate how they encourage residents and staff to be environmentally responsible in their consumption of energy and water.

Refuse Collection

4.3 Adequate provision **must** be made for the collection of all domestic refuse generated from residences. Details should be communicated to students and notices on collection arrangements should be placed in appropriate common areas.

Pest Control

4.4 The H/FEE is expected to ensure that as far as possible residential areas are kept free from pests and properties are well maintained to deter any potential infestation. Arrangements for reporting infestations **must** be made clear together with the anticipated response times.

Recycling

4.5 The H/FEE should provide schemes for reuse / recycling in conjunction with waste contractors / local authorities. Where implemented, schemes **must** be clearly explained to residents and participation encouraged. Details of recycling arrangements, including the location of recycling stations should be communicated to students and contained in the H/FEE's environmental policy.

Transport and Travel

4.6 Residents **must** be advised of any car parking arrangements. The information provided **must** also refer to the availability of bicycle and motor cycle parking.

4.7 Residents should be provided with details of access to public transport and any recommended pedestrian routes.

5. Landlord and tenant relationship

5.1 H/FEEs **must** have a clear and coherent statement within its contractual documentation outlining the relationship between the H/FEE, as landlord, and the student, as tenant or licensee.

5.2 A written contract **must** exist between the H/FEE and the student for the provision of residential accommodation prior to the commencement of occupation. The contract documentation **must** be made available either in electronic format or as a hard copy by the H/FEE, and include reference to any contractual terms and responsibilities of both the H/FEE and the student. The H/FEE **must** provide the student with a copy of the residential contract once entered into.

5.3 The terms of any contractual relationship and information on the respective roles and responsibilities of the H/FEE and the student **must** be made available to all prospective residents in advance of students entering a contractual relationship for residential accommodation.

5.4 Where an H/FEE requires payment of a (damage) deposit (or similar) for the duration of the period of occupation, the H/FEE **must** indicate clearly what the deposit is to be used for, the amount to be paid, and how the scheme is administered. H/FEE should endeavour to return any deposit balances due, within 28 days of the end of the contracted period, including details of all deductions from the initial amount paid.

5.5 The H/FEE **must** make available the following information:

5.5.1. The relevant procedures for application and allocation of residential accommodation including any application eligibility criteria.

5.5.2. The total number of rooms available by type (i.e. single, twin, studio, en-suite and self-catering).

5.5.3. The fees and charges for each type of available accommodation.

5.5.4. The length of the contract period for each room type.

5.5.5. Availability, if any, of parking facilities and/or cycle storage.

5.5.6. Credit control arrangements including payment schedules and options for payment, any additional costs that may be incurred by a resident (e.g. lost keys or access cards, damage charging, late payment charges, debt pursuance charges, debt arrears penalties etc.) and any bursaries or discounts that may be available and the terms under which these are offered.

5.5.7. The terms under which a student or H/FEE is able to terminate or cancel a residential contract.

5.5.8. The procedure for lodging a complaint about the residential accommodation or management of the property, or ancillary services provided by an H/FEE.

5.5.9. Information concerning management's right of access to a study bedroom or shared facilities.

5.5.10. The procedure for reporting a defect or requesting maintenance: including who to contact.

5.5.11. Service level statements (SLS's) or equivalent should be made available and set out schedules and expected response times for any reactive (i.e. maintenance) services which are provided in each establishment.

5.5.12. Arrangements for access in the event of lost keys or access control devices.

5.5.13. Any cleaning schedules appertaining to the property, including communal areas and study bedroom accommodation. This **must** include which areas are cleaned, the frequency of cleaning, and any student responsibility for cleaning of facilities in accordance with a service level statement (or similar) if applicable. All rooms and facilities **must** be prepared for the start of the occupancy period in a clean and habitable condition.

5.6 Laundry facilities where provided, **must** be maintained in good working condition. Instructions, including fault reporting and emergency procedures, **must** be made available.

5.7 Information regarding the internet service **must** be provided. If an internet service is not provided, this **must** be made clear.

Induction Briefing

5.8 H/FEEs **must** either hold an induction briefing, and/or provide relevant information to students by way of welcome literature or offer an e-induction process prior to, or at the beginning of occupation. This **must** advise students that their accommodation is covered by this Code. It **must** also include specific advice on issues such as health, safety (e.g. fire evacuation procedures), well-being matters, conduct and behaviour and guidance on communal living. It **must** also provide details on the sources of information, advice and guidance offered by the University and Student's Union.

Management contact details

5.9 At the commencement of occupancy H/FEEs **must** provide students with relevant contact details of duty officers / wardens / security staff, student representatives etc. and also, as appropriate, any central accommodation office, maintenance office or halls office.

Insurance liabilities

5.10 H/FEEs **must** provide a statement outlining the extent of its own insurance liabilities in respect of a student's belongings and personal items, and details of any specific insurance cover that is contained within the accommodation fee.

6. Health and Wellbeing

6.1 H/FEEs **must** provide information to students in respect of its provision of student support services (which may include but not be limited to wellbeing, financial and disability support) and how to access them. The information provided **must** include reference to services provided by the University, the Students' Union and other appropriate or relevant agencies.

6.2 H/FEEs **must** ensure that residents have information on how to access emergency support (both during usual working hours but also outside of these hours) including contact details and procedures to follow.

6.3 H/FEEs **must** provide information on how to register with one or more local GP practices or their own medical services and encourage all residents to register as soon as possible.

6.4 H/FEEs **must** have in place appropriate policies and procedures to support residents that are experiencing health or wellbeing issues, which include encouraging students to access relevant support services, and procedures to ensure the relevant organisations are contacted if a resident is thought to be at risk, including Police, NHS, and the University officer/department (where there are data protection and confidentiality legislation concerns, data sharing agreements should be sought with the university).

6.5 Staff should be trained on, or will have sufficient knowledge of, the procedures in place to support students experiencing a health or wellbeing issue.

7. Anti-Social Behaviour and Disciplinary Procedures

7.1 The H/FEE **must** demonstrate procedures to minimise and deal with, any anti-social behaviour[11] by occupants and/or their guests and visitors.

Conduct & behaviour

7.2 The H/FEE should demonstrate how it encourages residents to act in a fit and proper manner at all times, treat both the property and neighbours - fellow students, staff and members of the local community – with due respect, regard and consideration.

7.3 The H/FEE **must** make residents aware of the H/FEE's code of behaviour and disciplinary procedures (or similar), and how it deals with any incidents of reported inappropriate conduct or behaviour.

[11] The term anti-social behaviour is used here in a general and not a specific statutory sense.

8. Code Administration and Code Compliance

8.1 H/FEEs are generally well established, self-managing organisations. Independent governing bodies oversee their management. Most establishments are subject to regular, independent, internal audits on which reports are made to governing bodies. The scope of Internal Audit work can cover any aspect of an establishment's activity, and how it manages associated risks. Internal audit may be carried out by an institution's in house team, consortia, or externally provided internal audit service.

8.2 H/FEEs are required to have established internal mechanisms for dealing with complaints from students, including those in relation to accommodation issues. Students may also have recourse to certain external complaints procedures.

8.3 Given the existing framework of H/FEE management, establishments themselves will be the primarily accountable bodies for the management and operation of the Code. In addition, a coordinating body and a body to oversee its operation and deal with issues concerning compliance or non-compliance with the Code have been established.

8.4 A Governance Board and a separate Sector Advisory Group have been established, with membership drawn from both the HE sector and independent representative agencies.

8.5 The Governance Board and the Sector Advisory Group have independent Terms of Reference. It is the role of the Sector Advisory Group to oversee the Code's operational management, (including recommending updates to the Code and drawing together establishments' reports, stakeholder feedback and other forms of monitoring) and make policy recommendations to the Governance Board.

8.6 . Each H/FEE **must** undertake a compliance review every three years and provide the Code Administrator with a report outlining the audit findings and management responses by the 30th April for consideration by the Sector Advisory Group in June. H/FEE Code members **must** ensure that there are arrangements in place for their internal auditors to carry out compliance work in respect of the triennial reviews, as well as appropriate follow up work in the intervening years. Internal auditors may take account of management's opinion in the selection of residencies to be audited, although they **must** have due regard to independence, objectivity and materiality. Internal auditors should ultimately take decisions as to which residencies will be subject to audit, taking care to ensure coverage across all properties covered by the Code as part of any long-term audit programme. Establishments Audit Committees **must** ensure sufficient resources are included within annual internal audit plans for the triennial reviews and associated follow up to be carried out.

8.7 Where the main compliance audit has resulted in recommendations, reports as to the progress and implementation of those recommendations **must** be provided to the Sector Advisory Group in the successive years prior to the next triennial compliance review. Annex D to this Code outlines the audit and compliance progress. The finalised triennial compliance review internal audit report **must** be submitted to an establishment's Audit Committee (or alternative governing function/body) at the earliest opportunity.

8.8 H/FEE's should assess how they gain assurance about the ongoing application of the Code requirements in the intervening years between the triennial compliance reviews. During these years for example, establishment management teams could

consider undertaking their own, formal self-assessment against the Code. This may also include peer to peer review.

8.9 Universities UK/Guild HE has overall responsibility for administering the Code of Practice. This duty is discharged through the Governance Board and Sector Advisory Group respectively. Such duties will involve the following:

8.9.1. Maintaining a full record of all establishments who have signed up to the Code, and the buildings covered by the Code for each establishment and ensuring that the record is publicly available.

8.9.2. Liaison with ANUK to ensure satisfactory management of the dual-code arrangement in the sector – this will include membership on the ANUK management committee.

8.10 An independent standing committee, the Governance Board[12], will have representation from relevant stakeholder groups including: university and college senior management; specialist professions in the HE and FE sectors; NUS; Local Government Association; DCLG; and ANUK. The Governance Board Chair is an independent appointment made by the UUK Code of Practice.

8.11 The Sector Advisory Group will consider cases of alleged non-compliance. If the circumstances justify such action, it may make a recommendation to the Governance Board that H/FEE is no longer compliant with the Code in respect of some or all of its student accommodation. In the event that the Governance Board endorses such a recommendation, a building or all of an H/FEE's accommodation may be suspended from the Code. Any such decision would be made public.

8.12 The Sector Advisory Group will oversee the operation of the Code and issue guidance as necessary on day to day management issues. It will conduct an annual review of the Code taking account of H/FEEs' experience, audit findings, complaints raising issues with regard to compliance with the Code and reports from other bodies (see below). In order to ensure that the Code is operated effectively and updated as appropriate, establishments will be asked to provide summary information to the Committee as follows:

- Significant complaints made by students to establishments which relate to non-compliance with the Code. It is suggested that "significant" in this context, refers to complaints that have escalated to a senior body within the establishment, or have been referred to the Office of the Independent Adjudicator (OIA) or successor body (not FEEs) (see Annex C).

- The relevant section of auditors' reports, management's response and the timescale for addressing auditors' recommendations.

[12] The responsibilities of the Board are: to oversee the operation of the Code and issue guidance as necessary on management issues; to conduct an annual review of the Code taking account of H/FEEs' experience, audit findings, complaints raising issues with regard to compliance with the Code; to request reports from institutions on any complaints involving breaches of the Code that have been reported directly to the Board or to external bodies; and having regard to audit reports and reports of complaints submitted to it, to consider cases of alleged non-compliance and if necessary undertake further investigation. The Board may make proposals to help remedy any identified defects in an HEE's management of its student accommodation. In cases of serious or persistent management failure the Board may declare that an H/FEE is no longer compliant with the Code in respect of some or all of its student accommodation.

8.13 In addition, the Sector Advisory Group will seek annual reports from institutions on any complaints involving breaches of the Code that have been reported directly to them or to external bodies.

8.14 Having regard to the reports of these bodies, audit reports and complaints submitted to it, the Sector Advisory Group will consider cases of alleged non-compliance and if necessary undertake further investigation. The Sector Advisory Group may make proposals to help remedy any identified defects in an H/FEE's management of its student accommodation.

8.15 In cases of serious or persistent management failure the Sector Advisory Group may decide that an H/FEE is no longer compliant with the Code in respect of some or all of its student accommodation. In such a case a recommendation will be made to the Governance Board to suspend the building, or H/FEE's membership of the Code. In the event that a building or an Institution is removed from the Code, this will be brought to the attention of the Local Housing Authority (LHA) in whose area the building is situated.

8.16 Adoption of the Code by an H/FEE involves the following responsibilities:

- The H/FEE **must** submit to UUK a list of all the buildings which it manages or controls which are covered by the Code. This list **must** be updated by the establishment, and UUK notified, on an annual basis.

- These buildings **must** meet the standards, and accord with the procedures, set out in the Code and in relevant legislation.

- There may be some student residential accommodation which is managed and controlled by an H/FEE which does not comply with this Code and falls within the scope of mandatory licensing. It is a condition of accreditation within this Code that the establishment **must** license this accommodation with their local authority.

- H/FEEs **must** ensure that an appropriate complaints mechanism is in place and that this mechanism is suitably integrated into wider complaints mechanisms in the institution. All such mechanisms should allow for student representation. Establishments are required annually to supply, anonymised as regards student complainants, summary information to UUK on any significant complaints relating to the institution's operation of the Code (see Annex C).

- H/FEEs **must** ensure that their internal auditors include the establishment's management of its student accommodation in relation to the Code within the scope of their audit planning. An internal audit **must** be undertaken every three years, and follow up compliance work undertaken. The relevant section of auditors' reports, management's response and the timescale for addressing auditors' recommendations **must** be provided to the Sector Advisory Group.

- There may be isolated cases where audit and/or complaints processes and/or local inspections reveal significant systemic failure in the management of student accommodation. In this event some or all of an H/FEE's buildings will be removed from the list in the Schedule to the Code; and if any or all of such buildings would otherwise be subject to mandatory licensing the establishment **must** seek licence(s) from the relevant local authority.

Annexes

Annex A - What is “managed and controlled”?

It is necessary to determine whether student accommodation is managed and controlled by an *educational establishment* or, in partnership with an H/FEE, by another *provider*. A method has been developed for the ANUK Code of Standards for Larger Developments for this purpose and the UUK/Guild HE Code of Practice adopts that method.

The method allots points, reflecting perceived relative importance, to each element of management and control.

The elements are as follows:

Marketing – reflects who is responsible for promoting and letting the building. If the development is an underwritten or formal nomination arrangement this would clearly be the educational establishment. Informal arrangements between educational establishments and a private supplier, where the supplier is also marketing the building directly would result in marketing being undertaken by the provider. 1 point

Rent Collection – reflects who collects the rent. 1 point

Tenancy – This reflects with whom the student tenant signs their tenancy: the educational establishment or another provider. This is an important matter since it sets the legal framework for the whole letting. 6 points

Hard Facilities Management (FM) – means the maintenance and replacement of the infrastructure of the building and its associated plant/equipment and buildings systems and can extend to the estate where the building is situated (including grounds and gardens). 2 points

Soft Facilities Management (FM) – means the services that are provided to the students occupying the building. There are five questions related to aspects of those services:

- ***Cleaning*** – who undertakes the cleaning, either of the residences or the communal areas? 1 point

- ***Security*** – who undertakes the security, particularly out of hour's security? Often this work is shared between a provider and an educational establishment, in which case points would be awarded to both. 1 point

- ***Repairs*** – who undertakes any day to day repairs within the building? 1 point

- ***Health and Safety Routines*** – who is responsible for health and safety routines: testing fire alarms, servicing safety equipment, undertaking a risk analysis of the building? 1 point

- ***Out of Hours Services*** – who would deal with out of hour's emergencies in respect of the building, for example, a power outage, a plumbing leak? This does not cover out of hours' services to students offered under tenancy relations or residential cover. 1 point

Tenancy Relations – who would deal with tenant issues and support, for example, students wishing to leave, inter-tenant friction, noise and anti-social behaviour, mental health problems? 2 points

Residential Cover – who provides overnight residential cover to deal with tenant issues that occur overnight? This excludes security related matters dealt with above. 1 point

The answer to the questions can be yes, responsible; no, not responsible; both are responsible.

The higher overall score determines whether an *educational establishment* or another *provider* has control and management of the building.

Whether a building is managed and controlled by an educational establishment can thus be determined by reference to the table below.

Provider Available		**Who**	**Educational Establishment**	**Points**	**Other Provider**	**Points**
Marketing	1	Both	yes	1	yes	1
Rent Collection	1	Both	yes	1	yes	1
Tenancy	6	Both	yes	6	yes	6
Hard FM	2	Both	yes	2	yes	2
Soft FM						
Cleaning	1	Both	yes	1	yes	1
Security	1	Both	yes	1	yes	1
Repairs	1	Both	yes	1	yes	1
Health and Safety Routines	1	Both	yes	1	yes	1
Out of Hours Services	1	Both	yes	1	yes	1
Tenancy Relations	2	Both	yes	2	yes	2
Residential Cover	1	Both	yes	1	yes	1
Total Points				**18**		**18**

Annex B - Outline of principal relevant provisions in the Housing Act 2004

Note this annex is included so as provide managers with a simplified account of the legal context for codes of practice. Some sections of the fact sheets on the Act produced by the Department for Communities and Local Government are incorporated directly. The Annex is NOT an authoritative representation of the legal position.

Housing standards

1. The Act (Part 1) replaces the former test of "fitness" with a new system for assessing housing conditions - the Housing Health and Safety Rating System (HHSRS). The system may be applied to any type of dwelling. There is no exemption for HE controlled or managed housing or, indeed, for any other category of housing.

2. HHSRS is an evidence-based risk assessment of risks to health and safety in residential premises. The purpose of the assessment is to provide objective information upon which local authorities can base decisions on enforcement.

3. HHSRS provides a rating for each of twenty-nine categories of housing hazard. It does *not* provide a single rating for the dwelling as a whole or, in the case of houses in multiple occupation, for the building as a whole. The rating is expressed though a numerical score. Assessment is based on the risk to the *potential occupant who is most vulnerable to that hazard.* For example, stairs constitute a greater risk to the elderly, so for assessing hazards relating to stairs they are considered the most vulnerable group.

4. Action by authorities, ranging from an improvement notice to a demolition order, will be based on a three-stage consideration: (a) the hazard rating determined under HHSRS; (b) whether the authority has a duty or power to act, determined by the presence of a hazard above or below a threshold prescribed by regulations; and (c) the authority's judgement as to the most appropriate course of action to deal with the hazard.

5. Authorities are advised to take account of the vulnerability of the *actual* (rather than potential) occupant in deciding the best course of action.

Licensing of houses in multiple occupation (HMOs)

6. Part 2 of the Act is concerned with licensing of houses in multiple occupation – the requirement for these to be licensed, procedures for grant or refusal of licenses and related matters. There is a definition of a house in multiple occupation (HMO): is in essence a house or flat occupied by more than one household where the households share one or more basic amenities. (Section 254) Certain categories of housing which would meet these criteria may be excluded from the definition however. Such categories are, in the terms of the Act, "excepted accommodation". (Section 254(5) and Schedule 14) – see paragraphs 11. below.

7. Licensing will be mandatory for larger, higher risk HMOs, in general those of three storeys or more and occupied by five or more people comprising two or more households. This reflects the Government's policy objective of concentrating on housing where the risk to occupants' health and safety is greatest.

8. The Act provides that the appropriate national authority may by order prescribe descriptions of HMOs that are to be licensed.

9. Part 3 of the Act provides for selective licensing. An LHA may make a licensing scheme providing certain conditions are met and subject to approval by the national authority. One of the conditions is: “An area is experiencing a significant and persistent problem caused by anti-social behaviour and that some or all private sector landlords in the area are not taking appropriate action to combat the problem and the LHA is satisfied the introduction of licensing, when combined with other measures taken by the LHA or in conjunction with others, will lead to a reduction or elimination of the problem”.

10. HE accommodation exempted from general licensing provisions is exempted also from selective licensing.

Codes of Practice

11. The national authority may except from the definition of an HMO, for the purposes of licensing, accommodation managed and controlled by higher or further education establishments where the accommodation is used solely or principally by persons for the purpose of undertaking a full-time course of further or higher education. (Section 254(5) and Schedule 14, paragraph 4). Regulations will specify “a particular educational establishment or a particular description of educational establishments” that will not be treated as HMOs.

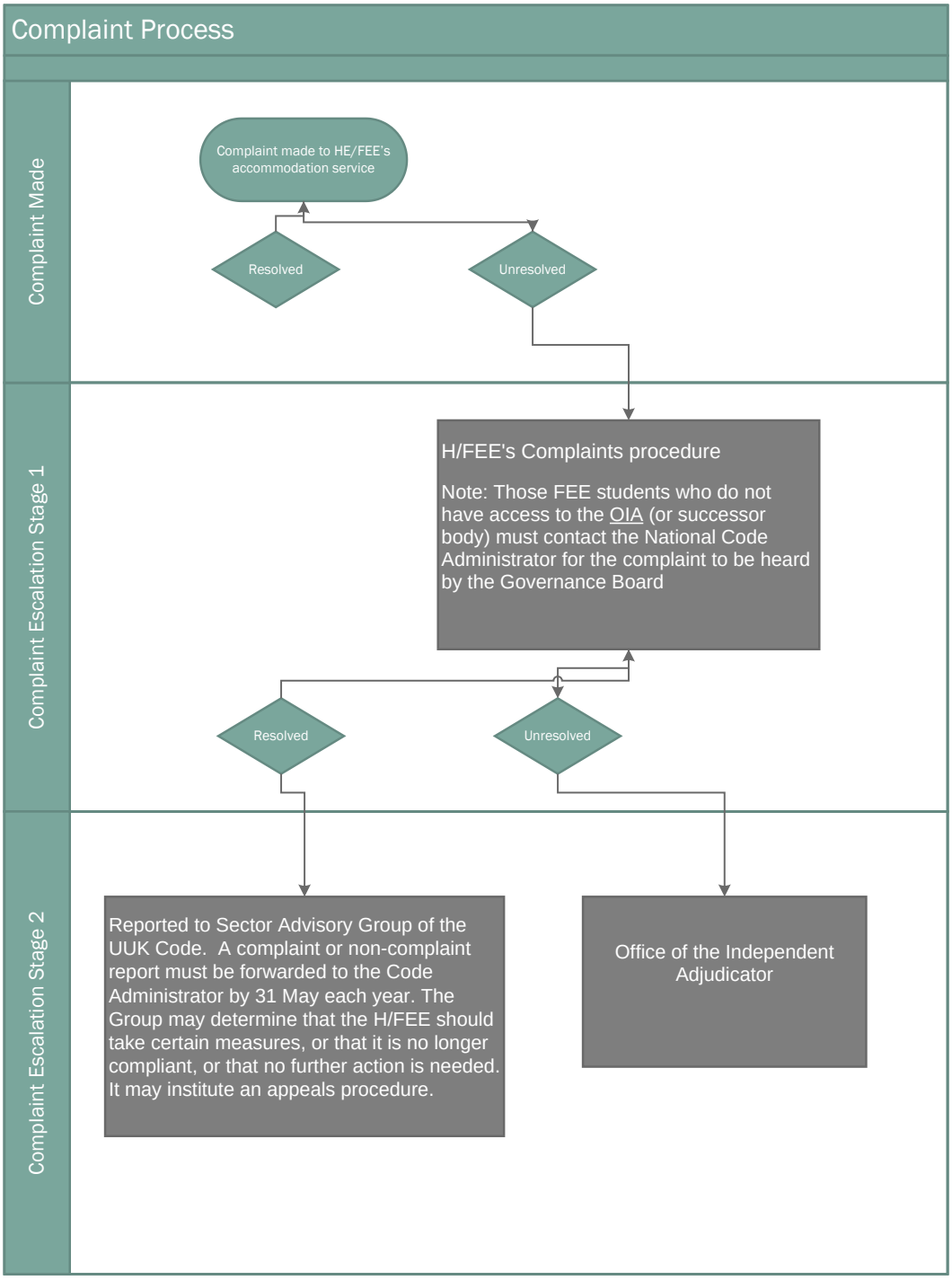
12. “Exception” is on the basis that each establishment and its buildings so excepted will be managed in conformity with an approved code of practice. (Section 233). Codes set out standards of conduct and practice to be followed with regard to the management of HMOs or of accommodation excepted from the definition of HMO.

13. In the absence of these provisions many buildings occupied by students and managed and controlled by H/FEEs would be liable to licensing (paragraphs 6-10 above). The Act’s provisions on housing standards however do apply to all forms of student housing (paragraphs 1-5 above).

Annex C - Complaints procedure

The Code requires member institutions to complete a complaint return each year. Complaints that are deemed significant that relate to the Code (i.e. they should specifically record the Code reference number that it relates to), **must** be recorded on that annual return.

A 'significant' complaint is deemed by the Governance Board as one that has been represented beyond the area of responsibility of the Accommodation Team, e.g. a complaint that has been referred to the institutions Complaints Process and would be passed to a Senior Member of the University Management Executive.



Annex D Audit and compliance process within the higher or further education establishment

1. Internal Auditors **must** include the establishment's management of its student accommodation, in relation to this Code, within their overall assessment of institutional risk and make provision for compliance audits every three years with appropriate follow up arrangements.

2. Internal Audit reports on the management of student accommodation are reviewed by an institution's Audit Committee or equivalent with minutes of their meetings being received by their Governing Body.

3. In cases where non-compliance with the Code is identified, the H/FEE **must** prepare an action plan setting out how deficiencies are to be remedied with suitable implementation dates.

UUK/Guild HE Sector Advisory Group

1. Receives, from all HEEs and FEEs signatory to this Code, the relevant section of auditors' reports, management's response and the timescale for addressing auditors' recommendations.

2. Examines cases of non-compliance identified in auditors' reports.

3. Receives information on complaints referred to a senior body within an H/FEE.

4. Commissions and receives reports on complaints that have been referred directly to the UUK/Guild HE Code or to external bodies.

5. In the light of information and reports received the Group may:

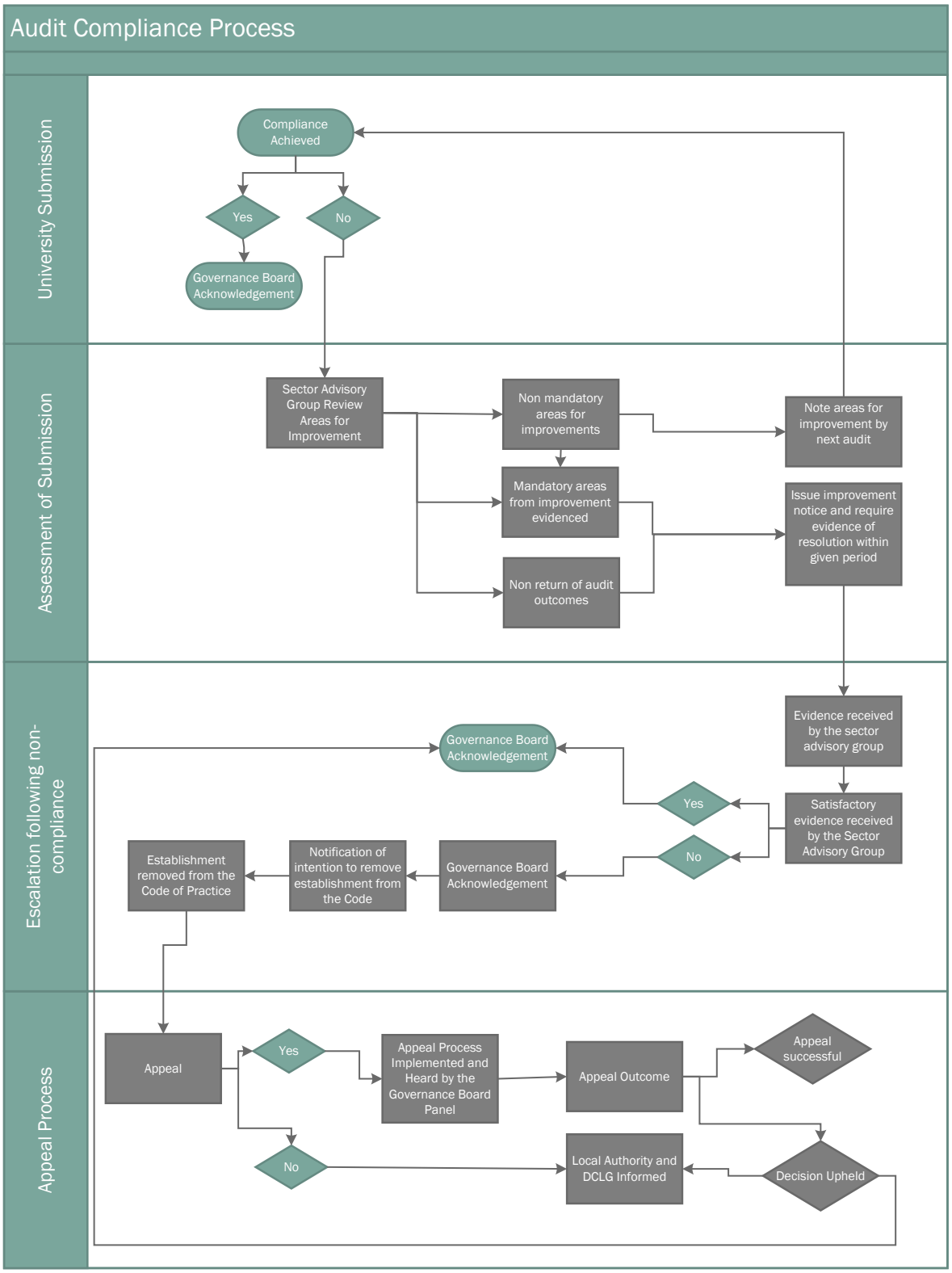
    - Determine that no further action is needed.

    - Make proposals to the H/FEE on steps to be taken to remedy identified defects in accommodation management.

    - Determine that the establishment is no longer in compliance with the Code in respect of one or more of the buildings listed in the Schedule to the Code and, therefore, recommend to the Chair of the Governance Board, the suspension of the building or establishment from the Code.

Note: Below is the full flow chart of this process which is also available to download on the UUK Code Website.

Overview of the Audit Compliance Process



UUK CoP Gov 24/03/17

Photo schedule – Prince of Wales Dock Swansea SA1

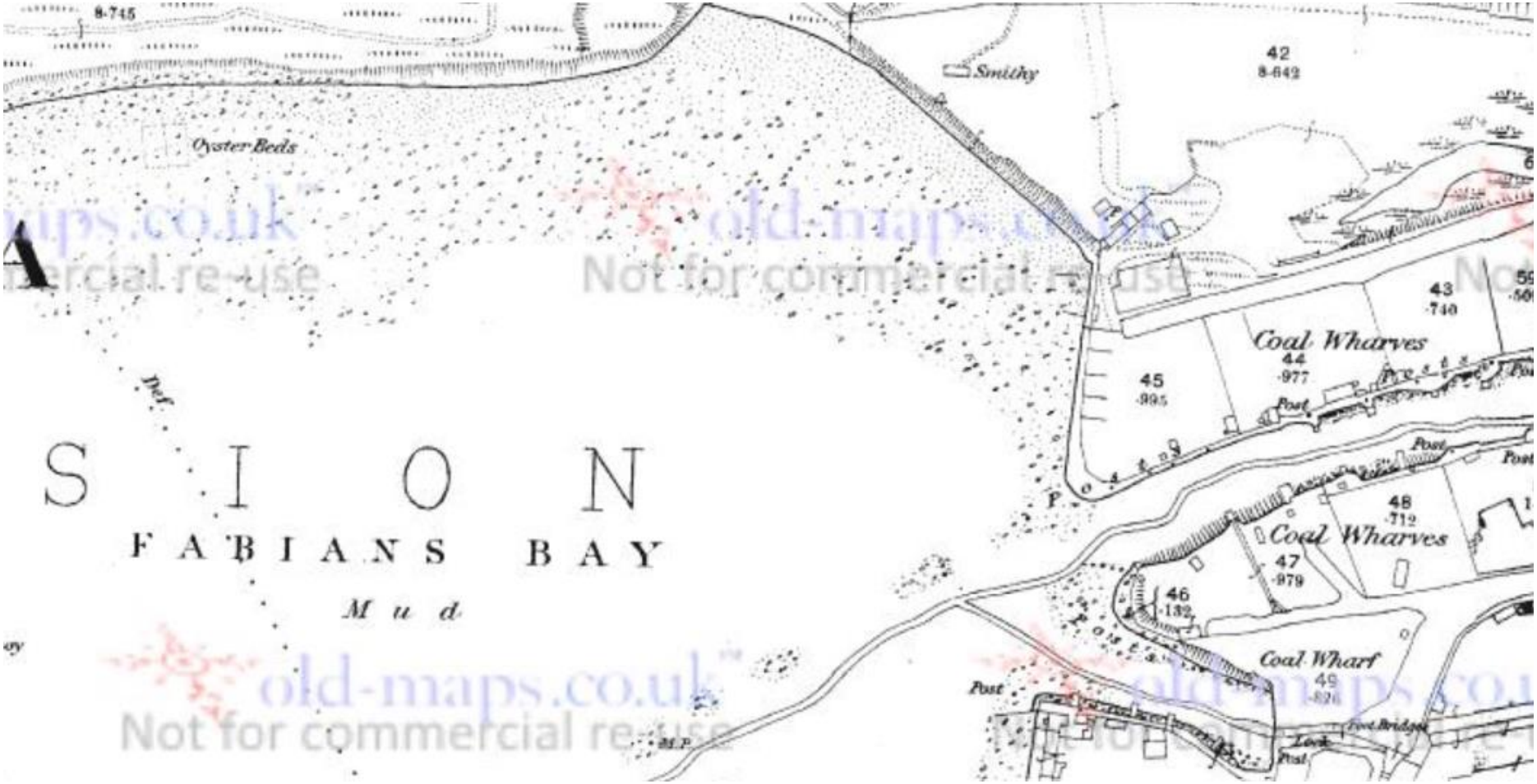


Figure 1: Site of Prince of Wales Dock 1879

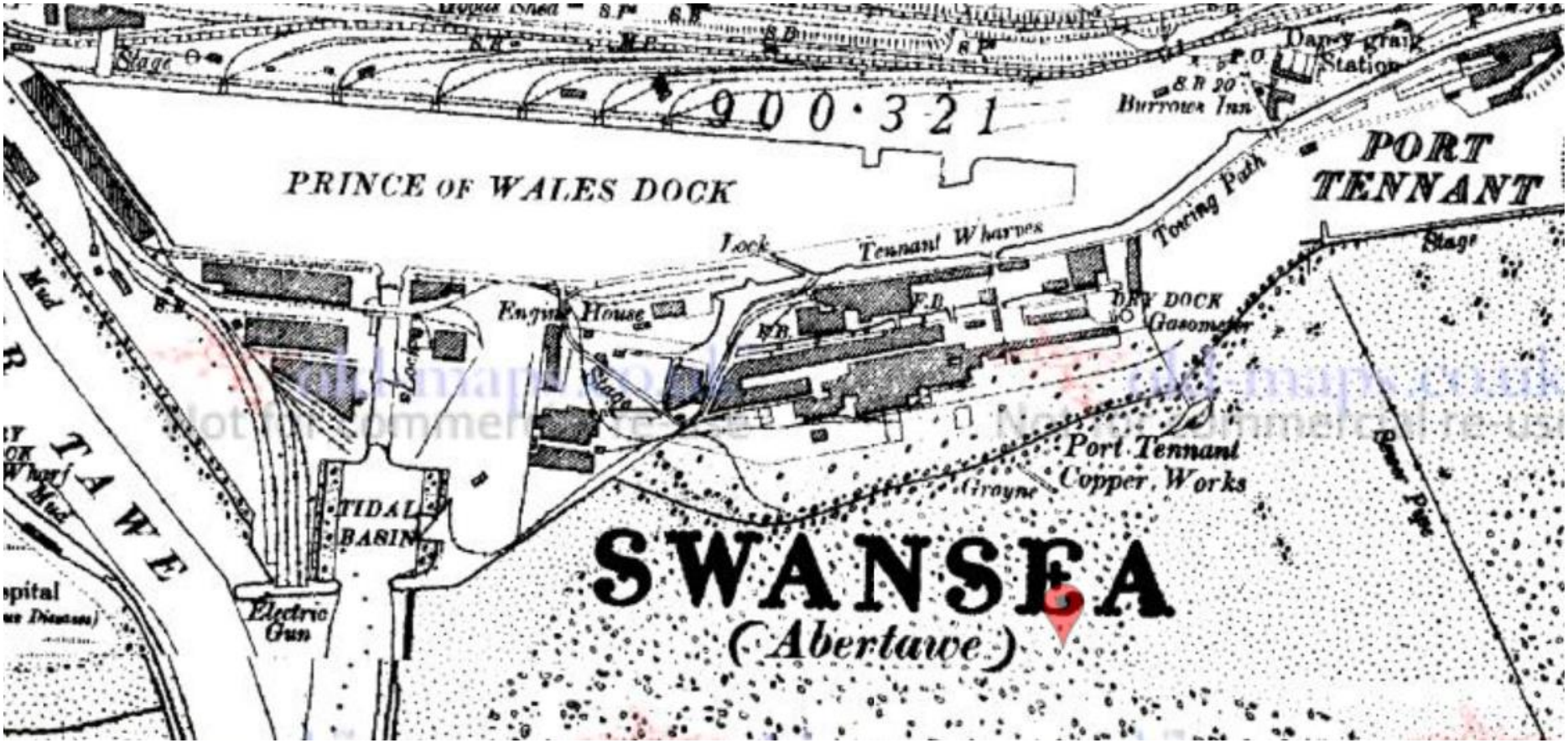


Figure 2: Prince of Wales Dock 1900

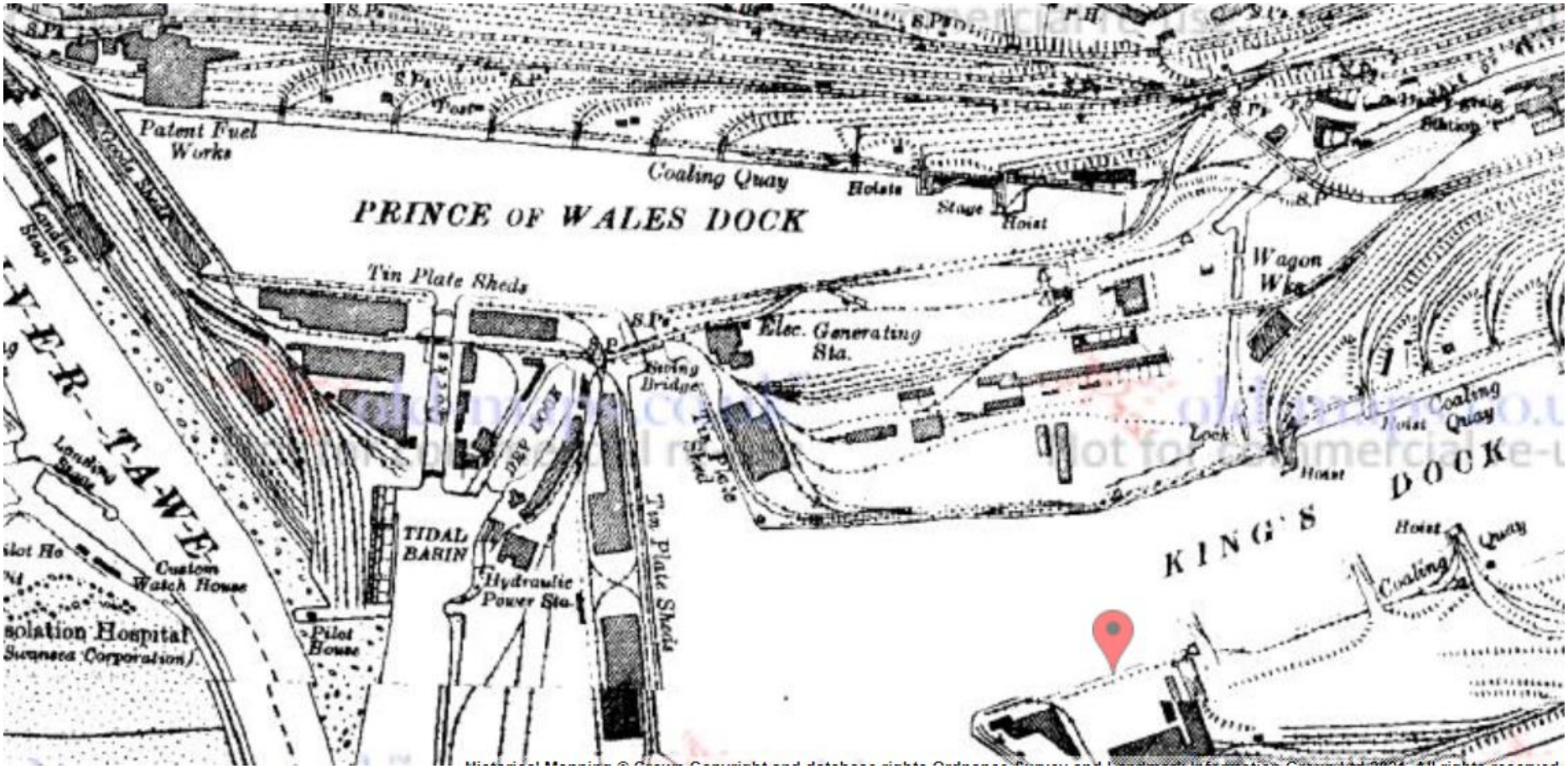


Figure 3: Prince of Wales Dock 1921 - Introduction of Kings Dock

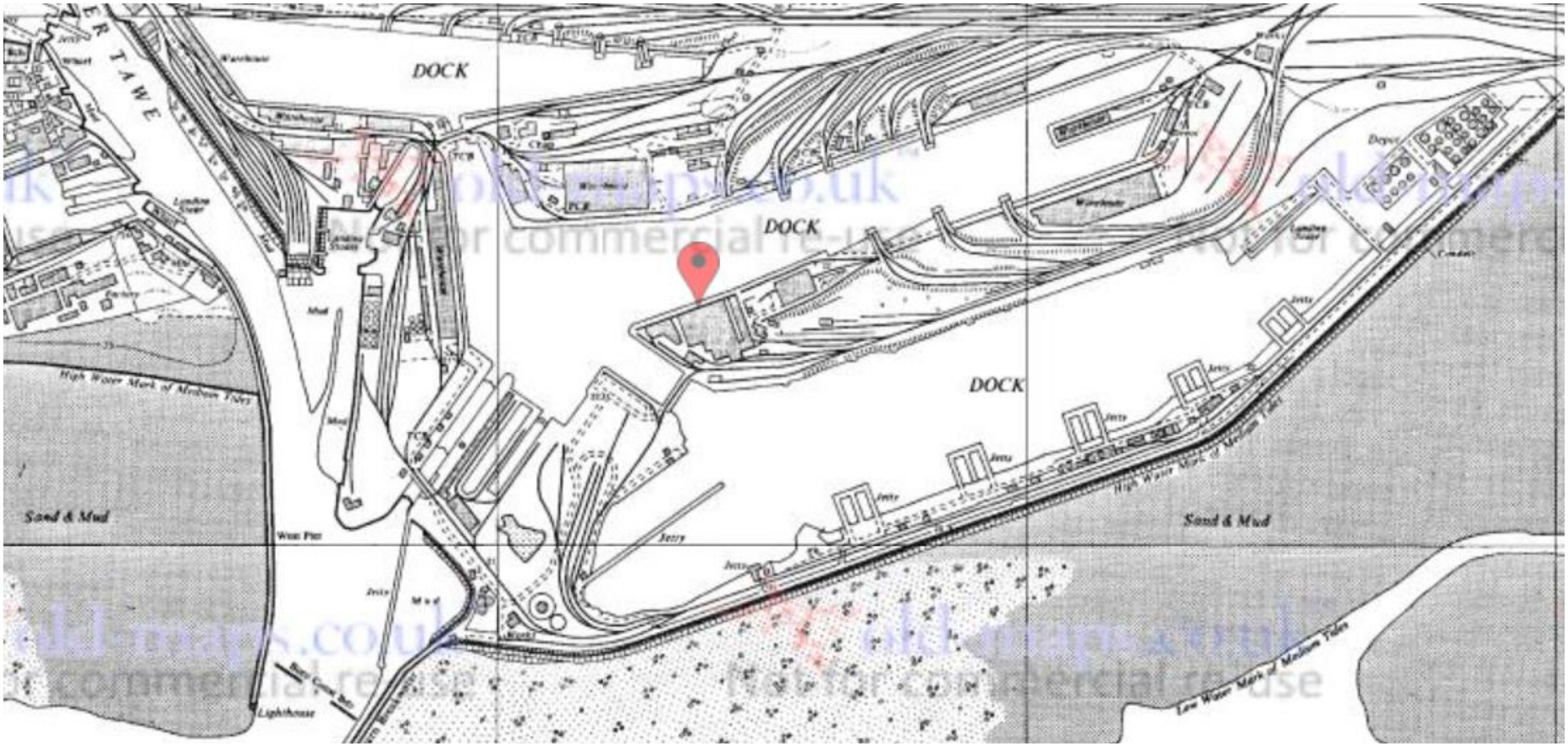


Figure 4: All three docks complete - Prince of Wales, Kings Dock and Queens Dock

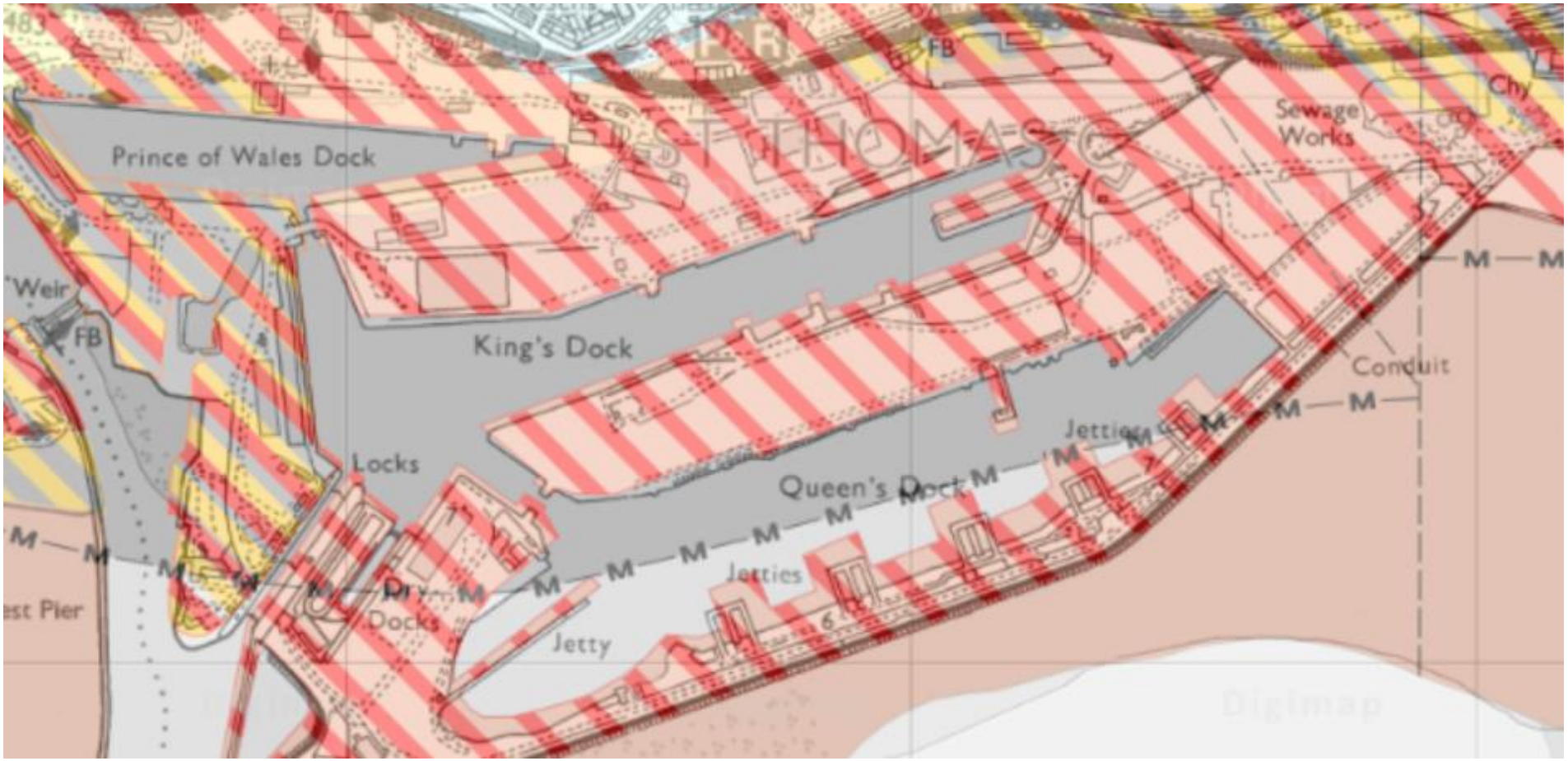


Figure 5: Geology maps – confirm area around the docks is made up ground – A marine bank runs below Queens dock from west pier and SE of the sewerage works.

Figure 6: Bore hole samples to a depth of 10m and 30m

Figure 7:Ariel view of whole site including marina - prior to any development around the docks.

Figure 8: Proposed site

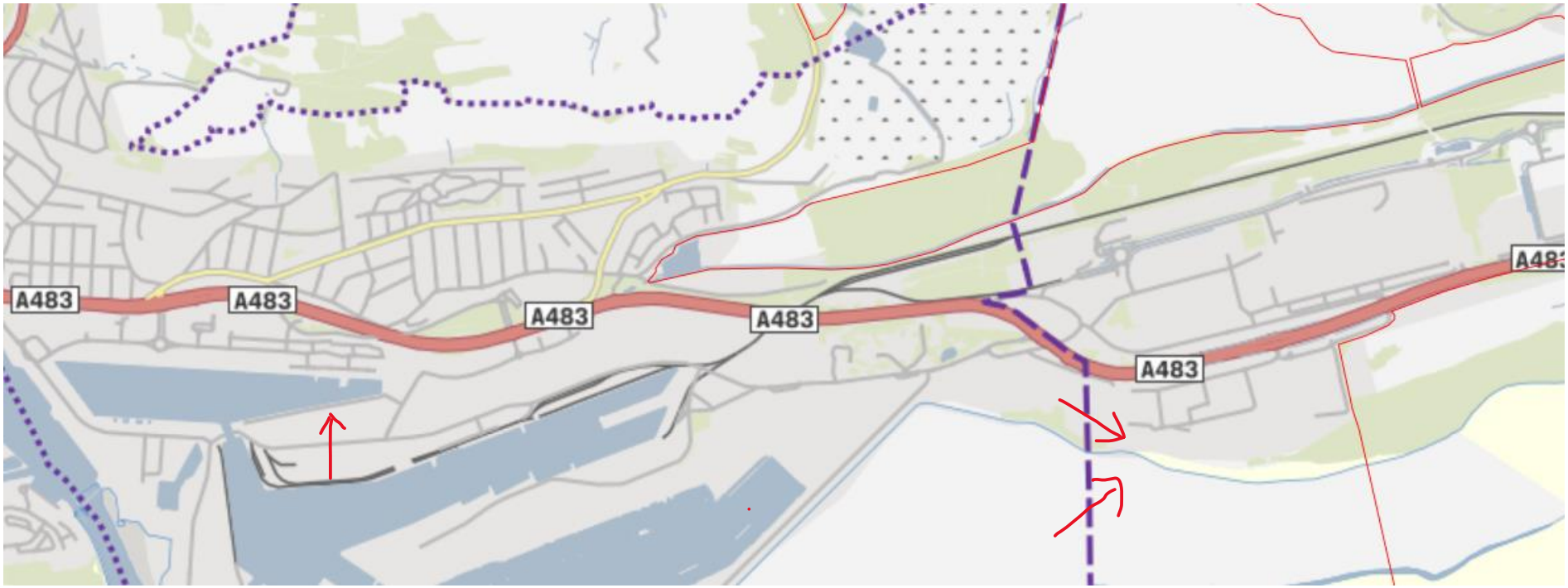


Figure 9: Proposed site at Prince of wales dock - Crymlyn Burrows Site of special Significant interest (SSSI) and Area of outstanding Natural beauty (AONB)

Site Visit photographs

Figure 10: Current fenced off site to the west of the proposed build - (Durie, 2021)

Figure 11: Mouth of the Kings dock as it meets Prince of Wales dock - proposed site would have pedestrian bridge on completion of construction

Figure 12: View North across Prince of Wales Dock from proposed project build

Figure 13: View West towards the city from the proposed site

Figure 14: View South across Prince of Wales dock towards the site of proposed build

Figure 15: View East towards Crymlyn Burrows

Figure 16: View from north west corner of dock towards the site south east

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SS 69 SE/292-305
667. 926

RECORD OF ~~SHAFT OR~~ TRIAL BORES ~~FOR MINERALS~~

County Glamorgan.
6" Quarter Sheet 24 (NW SW)
1" N.S. Geol. Map 247
1" O.S. Geol. Map
Whether Confidential

ind Number of ~~Shaft or~~ Bores given by Geological Survey:
~~Prince of Wales Dock~~ Swansea

Name and Number given by owner (if different from above):
Swansea Harbour, East Docks

Town or Village SWANSEA Date of sinking

Exact site See tracing

sketch-map or tracing from a large scale map is desirable

Purpose for which made location of foundations for bridge etc.

Level at which bore commenced relative to O.D. ~~Bore~~ Sites If not down bore, state if horizontal or up

Made by for Messrs.

Information from Mr A. Scheuk (Resident Engineer) Date received

Specimens Dip of strata

Geological Classification	Description		Thickness	Depth
SS69SE 292	No 1 Bore	83.0 A.O.D. (local) 66469 92921	ft. in.	ft. in.
	small running gravel		4.0	4
	dirty sand		8.50	12.50
	coarse sand with stones		9.50	22.00
SS69SE 293	No 2 Bore	85.97 A.O.D. (local) 66635 92984		
	mud & gravel		6.00	6.00
	gravel		6.00	12.00
	clay		3.00	15.00
	gravel		1.50	16.50
	coarse sand & stones		7.50	24.00
SS69SE 294	No 3 Bore	100.37 A.O.D. (local) 66959 92950		
	sand & stones		10.00	10.00
	peat & clay		3.00	13.00
	fine gravel		13.00	26.00
	clay		3.00	29.00
	gravelly sand		5.00	34.00
	hard sandy clay with some stones		4.00	38.00
SS69SE 295	No 4 Bore	104.11 A.O.D. (local) 67179 92834		
	tipped ashes from works		7.00	7.00
	peat & sand		12.00	19.00
	hard sandy clay — Bottom of harbour / tentative K. canal basin		1.00	20.00
SS69SE 296	No 5 Bore	99.64 A.O.D. (local) 67128 92827		
	chalk & cinders		1.50	1.50
	cinders		5.00	6.50
	small gravel		2.00	8.50

peat	7·50	16·00
sand & blue clay	1·50	17·50
clay & sand with some stones	6·00	23·50
fine gravel	5·00	28·50
clay & fine gravel	2·00	30·00
clay & small gravel	2·00	32·00
gravel	4·00	36·00

GEOLOGICAL SURVEY AND MUSEUM,
SOUTH KENSINGTON,
LONDON, S.W.7.

G.S.M. Office File No.	Site marked on 6" Map by	Site marked on 1" Map by

British Geological Survey British Geological Survey British Geological Survey

(*11932) Wt.30370/0370 10,000 9/39 A.& E.W.Ltd. Gp.685

(2)

SS69 14F.M

Name and Number of ~~Shaft or~~ Bores given by Geological Survey: Prince of Wales Dock, Swansea Trial Bores

County Glamorgan

6" Quarter Sheet 24 NW, SW

Geological Classification	Description	Thickness feet	Depth feet
SS6711 9284	F No. 6 Bore 79.82 local ~~mOD~~		
	clay	4.00	4.00
	peat	5.00	9.00
	blue clay	8.00	17.00
	clay & sand with stones	10.00	27.00
SS6674 9282	G No. 7 Bore 84.60 local ~~mOD~~		
	clay	7.50	7.50
	sand & gravel	1.50	9.00
	gravel	3.00	12.00
	sand & gravel	2.00	14.00
	clay & sand with stones	10.00	24.00
	coarse sand with some stones	6.00	30.00
SS6672 9265	H No. 8 Bore 82.60 local ~~mOD~~		
	clay	4.00	4.00
	clay & sand	4.00	8.00
	sand & gravel	1.00	9.00
	blue clay	3.00	12.00
	gravel	3.00	15.00
	sand & gravel	5.00	20.00
	coarse sand with some stones	10.00	30.00
SS6667 9259	J No. 9 Bore 81.13 local ~~mOD~~		
	clay	5.00	5.00
	gravel	6.00	11.00
	sand	3.50	14.50
	sand & gravel	12.50	27.00
SS6677 9258	K No. 10 Bore 84.60 local ~~mOD~~		
	clay	5.00	5.00
	gravel	7.60	12.60
	sand & some gravel	14.40	27.00
SS6669 9253	L No. 11 Bore 77.54 local ~~mOD~~		
	sand & gravel	4.00	4.00
	sand with fine gravel	11.00	15.00
	gravel with some sand	2.00	17.00

	sand & gravel		2.00		19.00
	blue clay		1.00		20.00
	coarse sand with some stones		8.00		28.00
SS66749251	M No 12 Bore 76.47 local AOD				
	coarse gravel		5.00		5.00
	running sand		2.00		7.00
	gravel		8.00		15.00
	coarse sand & clay with stones		4.50		19.50
	sand & fine gravel		3.50		23.00
	good hard sandy clay		4.00		27.00

British Geological Survey

WELSH STATUTORY INSTRUMENTS

202[X] No.

HARBOURS, DOCKS, PIERS AND FERRIES

The Swansea (Closure of Prince of Wales Dock) Harbour Revision Order 202[0]

Made - - - -	***
Coming into force - -	***

CONTENTS

PART I
PRELIMINARY

1. Citation and commencement
2. Interpretation

PART II
CLOSURE OF PRINCE OF WALES DOCK

3. Closure of Prince of Wales Dock
4. Repeal of local legislation
5. Notice of closure and removal of vessels from Prince of Wales Dock
6. As to vessels entering Prince of Wales Dock

Associated British Ports has applied for a harbour revision order under section 14 of the Harbours Act 1964(**a**)

The functions of the appropriate Minister for the purpose of that section have been transferred to the Welsh Ministers (**b**)

(**a**) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II); by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1; by S.I. 2006/117, regulation 2 and the Schedule (Part 1); by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9; and by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c.56) sections 18 and 40 and Schedule 6, paragraph 5(3) and Schedule 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(2).

(**b**) By section 29(1) of the Wales Act 2017 (c.4).

Welsh Ministers, being satisfied as mentioned in section 14(2)(b) and] 14(2B) of that Act, make the following Order

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Swansea (Closure of Prince of Wales Dock) Harbour Revision Order [ ] and shall come into force on [ ].

Interpretation

2. In this Order—

"the 1874 Act" means the Swansea Harbour Act 1874(**a**);

"the 1894 Act" means the Swansea Harbour Act 1894(**b**)**;**

"the 1901 Act" means the Swansea Harbour Act 1901(**c**)**;**

"AB Ports" means Associated British Ports;

"deposited plan" means the plan prepared in duplicate signed on behalf of the Welsh Ministers and marked "Plan referred to in the Swansea (Closure of Prince of Wales Dock) Harbour Revision Order [ ]" a copy of which is deposited at the [Offices of Welsh Ministers] and the other at the principal office of AB Ports;

"the Dock Master" means the dock master of AB Ports at Swansea;

"the Port of Swansea" means the docks and harbour comprising the undertaking of A.B. Ports at Swansea;

"Prince of Wales Dock" means the dock and associated works which form part of the Port of Swansea authorised by the 1874 Act, the 1894 Act and the 1901 Act and are within the area shown edged red on the deposited plan.

PART II

CLOSURE OF PRINCE OF WALES DOCK

Closure of Prince of Wales Dock

3.—(1) Subject to the provisions of this Order, AB Ports may on such day within 42 days of the coming into force of this Order as they may determine by resolution close the Prince of Wales Dock.

(2) Upon the closure of Prince of Wales Dock under paragraph (1)—

(a) the Prince of Wales Dock is to cease to form part of the Port of Swansea;

(b) all the duties and obligations imposed on AB Ports under the 1874 Act, the 1894 Act, the 1901 Act or any other local enactment with respect to or in connection with Prince of Wales Dock are to cease;

(c) any right of navigation within Prince of Wales Dock is extinguished; and

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(**a**) c.civ (37 & 38 Vict.).
(**b**) c.cv (57 & 58 Vict.).
(**c**) c.ccliii (1 Edw.7).

(d) any duty or obligation to maintain a navigable channel to Prince of Wales Dock within the area shown hatched blue on the deposited plan or to maintain a swing bridge across that area is extinguished.

Repeal of local legislation etc.

4.—(1) Subject to paragraph (2) upon the closure of the Prince of Wales Dock, the 1874 Act, the 1894 Act and the 1901 Act, including any agreement scheduled to any of those Acts, and any other local enactment relating to the Port of Swansea, are to cease to have effect in so far as they apply to the Prince of Wales Dock.

(2) Paragraph (1) does not apply to—

(a) section 6 (power to divert water into the docks) of the 1874 Act;

(b) section 7 (power to divert water into the docks) of the 1894 Act; and

(c) section 7 (power to take and divert water) of the 1991Act.

Notice of closure and removal of vessels from Prince of Wales Dock

5.—(1) Before exercising the power conferred on it by article 3 (Closure of Prince of Wales Dock) of this Order to close Prince of Wales Dock AB Ports must—

(a) publish a notice of its intention to do so in Lloyd's List and once in each of two successive weeks in a local newspaper published or circulating in Swansea with an interval between the dates of publication of not less than six clear days,

(b) display a copy of the notice in a conspicuous position in the Port of Swansea; and

(c) give notice of its intention in writing to the Welsh Minsters.

(2) Each of the notices must—

(a) state that AB Ports intends to close Prince of Wales Dock to vessels; and

(b) specify a date, which shall be a date not earlier than one month after the date of the latest of the three publications; by which all vessels must be removed from Prince of Wales Dock.

(3) If the master of any vessel which is within Prince of Wales Dock does not remove the vessel before the date specified in accordance with paragraph 2(b), the Dock Master may cause that vessel to be removed from Prince of Wales Dock and moored or laid in any other place where it may without injury be moored or laid.

(4) AB Ports may recover as a debt from the owner of any vessel removed under paragraph (3) all expenses incurred by it in respect of its removal.

As to vessels entering Prince of Wales Dock

6. If any vessel enters Prince of Wales Dock after the date specified in accordance with paragraph (2)(b) of article 5 (Notice of closure and removal of vessels from Prince of Wales Dock) of this Order, the Dock Master may direct the master of such vessel forthwith to remove the vessel from Prince of Wales Dock, and if the master of such vessel does not forthwith comply with such directions the provisions of paragraphs (3) to (4) inclusive of article 5 shall apply to and in respect of such vessel as if such vessel had been within Prince of Wales Dock before that date.

Signed by the authority of the Welsh Ministers

Name
Address Signatory Title
Date Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the closure of the Prince of Wales Dock at Swansea and repeals local legislation, including agreements scheduled to that legislation, so far as relating to the dock